

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

HECTOR TREVINO AND MARIANA  
TREVIÑO

V.

FORMOSA PLASTICS  
CORPORATION, TEXAS

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CIVIL ACTION NO. \_\_\_\_\_

JURY TRIAL DEMANDED

**PLAINTIFFS' ORIGINAL COMPLAINT**

Plaintiffs, Hector Trevino and Mariana Trevino, through their undersigned counsel, bring this action against Formosa Plastics Corporation, Texas, and alleges as follows:

**PARTIES**

1. Plaintiff, Hector Trevino, is an individual that is a citizen of the State of Texas residing at 21 KCTM FM 103 Rd., Rio Grande City, Texas 78582.
2. Plaintiff, Mariana Trevino, is an individual that is a citizen of the State of Texas residing at 21 KCTM FM 103 Rd., Rio Grande City, Texas 78582.
3. Defendant, Formosa Plastics Corporation, Texas, a foreign corporation organized and existing under the laws of the State of Delaware, whose principal office is located at 9 Peach Tree Hill Road, Livingston, New Jersey, 07039 and may be served by sending a copy of the summons and of the complaint by certified mail to its registered agent for service of process, Corporation Service Company d/b/a CSC-Lawyers Inc., at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

**JURISDICTION**

4. The Court has jurisdiction over the lawsuit under 28 U.S.C. § 1332(a)(1) because Plaintiffs and Defendant are citizens of different U.S. states, and the amount in

controversy exceeds \$75,000, excluding interest and costs. Plaintiffs are citizens of the State of Texas. Defendant is a foreign corporation organized under the laws of the State of Delaware.

### **VENUE**

5. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to this claim occurred in this district.

### **FACTS**

6. On June 11, 2020, Plaintiff Hector Trevino was at working as a pipe insulator for Marquis Construction Services, LLC. Plaintiff's employer assigned him to Defendant Formosa Plastics Corporation, Texas's premises located at 201 Formosa Dr., Point Comfort, Texas to insulate Defendant's pipes. While Plaintiff Hector Trevino was at Defendant's premises, he stepped in a hole on the premises. The hole contained extremely hot liquid which severely burned Plaintiff Hector Trevino's foot, causing Plaintiff Hector Trevino severe and debilitating injuries.

### **HECTOR TREVINO CLAIMS**

#### **NEGLIGENCE – PREMISES LIABILITY**

7. Plaintiff Hector Trevino entered the premises with Defendant's knowledge and for their mutual benefit. A condition on Defendants' premises, the hole, posed an unreasonable risk of harm. Defendant knew or reasonably should have known of the condition on the premises because on information and belief, an employee of Defendant attempted to cover up the hole with a piece of cardboard and failed to warn Plaintiff Hector Trevino of the presence of the hole. The piece of cardboard

failed to sustain Plaintiff's Hector Trevino's weight, and Plaintiff Hector Trevino's foot went through the hole.

8. Defendant had a duty to use ordinary care to ensure that the premises did not pose a danger to Plaintiff Hector Trevino. This duty includes the duty to inspect and the duty to warn or cure. Defendant breached the duty of ordinary care by failing to warn of the presence of the hole, by failing to adequately cover the hole with material that would sustain a human's weight, and/or by filling the hole.
9. As a direct and proximate result of Defendant's negligence, Plaintiff Hector Trevino suffered the following injuries and damages:
  - a. Physical pain and mental anguish in the past and future;
  - b. Lost earnings;
  - c. Loss of earning capacity;
  - d. Disfigurement in the past and future;
  - e. Medical expenses in the past and future;
  - f. Loss of household services in the past and future;
  - g. Physical impairment in the past and future.

### **MARIANA TREVINO CLAIMS**

#### **LOSS OF CONSORTIUM**

10. Plaintiff Mariana Trevino is the wife of Plaintiff Hector Trevino. Plaintiff Hector Trevino suffered injuries due to Defendant's negligent acts. As a result of those injuries, Plaintiff Mariana Trevino lost the affection, solace, comfort, companionship, society, and assistance she once had with her husband Hector Trevino.

11. As a direct and proximate result of Defendant's negligence, Plaintiff Mariana Trevino suffered the following injuries and damages: Loss of consortium in the past and future.

**JURY DEMAND**

12. Plaintiffs demand a jury trial.

**PRAYER**

13. For these reasons, Plaintiffs ask for judgment against Defendant for the following:
- a. Actual damages of \$1,000,000.00;
  - b. Costs of suit;
  - c. Postjudgment interest;
  - d. All other relief the Court deems appropriate.

Respectfully submitted,

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By: /s/ Francisco J. Rodriguez

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